



Senate

General Assembly

File No. 222

February Session, 2016

Substitute Senate Bill No. 395

Senate, March 24, 2016

The Committee on General Law reported through SEN. LEONE of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING WAGE THEFT AND ALCOHOLIC LIQUOR
PERMIT NONRENEWAL AND ENGLISH LANGUAGE REQUIREMENTS
FOR THE ISSUANCE OF ALCOHOLIC LIQUOR PERMITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-72 of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) When any employer fails to pay an employee wages in
5 accordance with the provisions of sections 31-71a to 31-71i, inclusive,
6 or fails to compensate an employee in accordance with section 31-76k
7 or where an employee or a labor organization representing an
8 employee institutes an action to enforce an arbitration award which
9 requires an employer to make an employee whole or to make
10 payments to an employee welfare fund, such employee or labor
11 organization shall recover, in a civil action, (1) twice the full amount of
12 such wages, with costs and such reasonable attorney's fees as may be
13 allowed by the court, or (2) if the employer establishes that the

14 employer had a good faith belief that the underpayment of wages was
15 in compliance with law, the full amount of such wages or
16 compensation, with costs and such reasonable attorney's fees as may
17 be allowed by the court. Any agreement between an employee and his
18 or her employer for payment of wages other than as specified in said
19 sections shall be no defense to such action. The Labor Commissioner
20 may collect the full amount of any such unpaid wages, payments due
21 to an employee welfare fund or such arbitration award, as well as
22 interest calculated in accordance with the provisions of section 31-265
23 from the date the wages or payment should have been received, had
24 payment been made in a timely manner. In addition, the Labor
25 Commissioner may bring any legal action necessary to recover twice
26 the full amount of unpaid wages, payments due to an employee
27 welfare fund or arbitration award, and the employer shall be required
28 to pay the costs and such reasonable attorney's fees as may be allowed
29 by the court. The commissioner shall distribute any wages, arbitration
30 awards or payments due to an employee welfare fund collected
31 pursuant to this section to the appropriate person.

32 (b) The Labor Commissioner shall notify the Commissioner of
33 Consumer Protection, in writing, of the name and address of any
34 employer holding a permit issued pursuant to title 30 authorizing the
35 sale or serving of alcoholic liquor on such employer's premises when
36 such employer has (1) paid or agreed to pay less than the minimum
37 fair wage or overtime wage in violation of section 31-60, (2) withheld,
38 diverted or failed to pay wages in violation of any provision of sections
39 31-71a to 31-71e, inclusive, (3) employed an employee for a workweek
40 longer than forty hours without providing remuneration for his or her
41 employment in violation of section 31-76c, or (4) failed to compensate
42 an employee in violation of section 31-76k.

43 Sec. 2. Section 30-55a of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective from passage*):

45 (a) The Department of Consumer Protection shall, upon notice from
46 the administrator of the Unemployment Compensation Act of the

47 name and address of any employer subject to chapter 567 who has
48 failed to file any return or to pay the contributions prescribed under
49 the provisions of said chapter, suspend the permit of such employer
50 until written notice from the administrator has been received that the
51 returns have been filed and the contributions, including interest, have
52 been paid.

53 (b) When any permit premises where alcoholic liquor is consumed
54 on the premises emits noise which, when measured at a radius of two
55 hundred feet from the premises, as described in the permittee's
56 application for a liquor permit, exceeds the ambient noise standard for
57 the land use classification for the location at which such measurement
58 is made, as established by the Department of Energy and
59 Environmental Protection pursuant to section 22a-69, the Department
60 of Consumer Protection may suspend the permit to sell alcoholic
61 liquor for three days for a first violation, five days for a second
62 violation and fourteen days for any subsequent violation.

63 (c) The Commissioner of Consumer Protection shall, upon receiving
64 notice from the Labor Commissioner, pursuant to subsection (b) of
65 section 31-72, as amended by this act, consider such notice and may
66 suspend the permit of such employer. The Commissioner of Consumer
67 Protection shall not reinstate the permit until he or she has received
68 written notice from the Labor Commissioner that the employer is in
69 compliance with section 31-60, sections 31-71a to 31-71e, inclusive, and
70 sections 31-76c and 31-76k.

71 Sec. 3. Subsection (c) of section 30-6a of the general statutes is
72 repealed and the following is substituted in lieu thereof (*Effective from*
73 *passage*):

74 (c) The department shall not adopt or enforce any regulation: (1)
75 Requiring prior approval of alterations or changes in the interior or
76 exterior of permit premises; (2) requiring prior approval for live
77 entertainment or the installation of amusement devices or games; (3)
78 requiring registration of employees or agents of permittees; (4)
79 requiring the presence of retail permittees on permit premises during

80 hours of sale or prohibiting employment of such permittees in another
81 occupation or business except as provided in section 30-45; [or] (5)
82 establishing a mandated minimum price above which a permittee
83 must sell; or (6) prohibiting the issuance of a permit to an applicant
84 who is unable to read and understand English.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	31-72
Sec. 2	<i>from passage</i>	30-55a
Sec. 3	<i>from passage</i>	30-6a(c)

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires the Department of Labor (DOL) to notify the Department of Consumer Protection (DCP) commissioner of any employers holding a certain liquor permit that also have various wage related violations. Upon notice the DCP may suspend the liquor permit, in which case the permit may not be reinstated until the DOL provides confirmation of wage law compliance. This does not result in any fiscal impact to the state or municipalities as it is expected the bill's provisions could be accommodated within the normal course of the enforcement process.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 395*****AN ACT CONCERNING WAGE THEFT AND ALCOHOLIC LIQUOR PERMIT NONRENEWAL AND ENGLISH LANGUAGE REQUIREMENTS FOR THE ISSUANCE OF ALCOHOLIC LIQUOR PERMITS.*****SUMMARY:**

This bill requires the Department of Labor (DOL) commissioner to provide written notice to the Department of Consumer Protection (DCP) commissioner with the name and address of any employer holding a liquor permit that allows alcohol sales for on-premises consumption (e.g., restaurants, taverns, and café permittees) that have certain wage related violations.

Upon receiving the notice, the DCP commissioner must consider the notice and may choose to suspend the employer's liquor permit. If he suspends the permit, he must not reinstate the permit until he has received notice from the DOL commissioner that the employer is in compliance with applicable labor law.

Finally, the bill prohibits DCP from enforcing any regulation that prohibits issuing a permit to an applicant who is unable to read or understand English. Current regulations prohibit DCP from issuing a permit to an applicant who is unable to read and understand English to the Liquor Commission's satisfaction (Conn. Agencies Regs., § 30-6-A2).

EFFECTIVE DATE: Upon passage

WAGE VIOLATIONS

Under the bill, the DOL commissioner must notify the DCP commissioner when the employer:

1. paid or agreed to pay less than the minimum fair wage or overtime wage (CGS § 31-60);
2. withheld, diverted, or failed to pay wages, including for, among other things, failing to pay wages on time, upon termination, or when the amount is disputed (CGS §§ 31-71a to 71e);
3. employed an employee for a workweek longer than 40 hours without providing compensation of at least one and one-half times the regular rate (CGS § 31-76c); or
4. failed to compensate an employee for fringe benefits (e.g., paid vacation and sick days) upon termination, if required to under an employer policy or collective bargaining agreement (CGS § 31-76k).

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 10 Nay 7 (03/11/2016)